

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 20, 2008

DIVISION ONE

B198883 Harrington
 v.
 Payroll Entertainment Services, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B200755 DCFS v. Laura D.
B201835 DCFS v. Carleen F.
B193799 People v. Hernandez
B197409 People v. Michael R.
B200498 People v. Pittman

Argument waived, cause submitted.

DIVISION TWO (continued)

B197092 Grubb & Ellis Co.

v.

Herzog

Appearances:

Glenn Hamovitz appears for respondent and waives argument. Argument previously waived by appellant. Cause submitted.

B199589 Cinquegrani et al.

v.

Department of Motor Vehicles et al.,

Merits:

Argued by Jennie Kelly for appellants and by Michael Morrison for respondents. Cause submitted.

Court in recess.

Court reconvened at 11:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

B194431 Curah

v.

California State Personnel Board and California State Department of Transportaion

Merits:

Argued by James Tritt for appellant and by Raiyn Bain for respondent. Cause submitted.

Court in recess.

March 20, 2008 (Continued)

DIVISION TWO (continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B204464	Belinda D. v. SCLA/DCFS
B200374	DCFS v. Tarnisha G. & Frankie D.
B201119	DCFS v. Marlin M.
B202791	DCFS v. Willard B.
B194505	People v. Villanueva
B191729	People v. Jackson

Argument waived, cause submitted.

B199092	Perez v. Marshall
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Merits:

Argued by Steven Marshall for appellant and no appearance made by
respondent. Cause submitted.

B198979	People v. Schmidt
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Merits:

Argued by James Koester for appellant. Argument previously waived by
respondent. Cause submitted.

DIVISION TWO (continued)

B193511 Castillo
 v.
 Castillo

Merits:

Argued by Joshua Merliss for appellant and by Patrick Hoolihan for respondent. Cause submitted.

B194946 Elder et al.
 v.
 Thomas

Merits:

Argued by Stephen Lowe for appellants and by Jeffrey Kent for respondent. Cause submitted.

Court adjourned.

B194124 Yang
 v.
 Fields, et al.

Filed order denying petition for rehearing.

DIVISION THREE

B200027 Los Angeles County, D.C.S. (Not for Publication)

v.

H.C., et al.

The order terminating parental rights is reversed. The matter is remanded to the juvenile court to order the DCFS to provide proper notice under the ICWA. In the event that no Tribe indicates that the children are Indian children, then the juvenile court must reinstate the order terminating parental rights. If a Tribe indicates that the children are Indian, then the juvenile court is directed to proceed in compliance with ICWA. In all other respects, the orders and findings of the juvenile court are affirmed. No costs are awarded on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B297567 Schiffman (Not for Publication)

v.

Schiffman

The order is affirmed. Costs on appeal are awarded to defendant Fred Schiffman.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B197500 People (Not for Publication)

V.

Devon Lemond Jackson

The judgment is affirmed. The allegation of a prior prison term within the meaning of section 667.5, subdivision (b) is ordered stricken.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B197356 People (Not for Publication)

V.

Miguell P.

The judgment (order of suitable placement) is modified to reflect four days of custody credit, and, as so modified, affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B198797 People (Not for Publication)

V.

Richard Enrique Sandoval

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B199378 People (Not for Publication)

v.

Marcos Richard Fontaine

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B193454 People (Not for Publication)

v.

Thomas Dean Correll

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B197390 People (Not for Publication)

v.

Ali Jones

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B201120 Los Angeles County, D.C.S. (Not for Publication)
v.
Elisa G.

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B199005 People (Not for Publication)
v.
Welch

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B192865 Jane Doe, a Minor, etc. (Certified for Publication)
v.
United Airlines, Inc.

The order granting a new trial is reversed, and the matter is remanded to the trial court with directions to vacate the new trial order and to enter a new order denying Doe's motion for a new trial. The judgment in United's favor following the grant of summary judgment is affirmed. Each party shall bear its own costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION THREE (continued)

B201351 Los Angeles County, D.C.S. (Not for Publication)

v.

Barbara O.

The order is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

B194660 State of California ex rel. Michael Jenkins (Not for Publication)

v.

Ratan Hospitality et al.

The order granting the preliminary injunction is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

B193540 Wang (Not for Publication)

v.

Tobias and Besdine Management Company

The judgment is reversed. Tobias and Besdine shall recover their costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

March 20, 2008 (Continued)

DIVISION FOUR (continued)

B196425 People (Not for Publication)

V.

De La Pena

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.

Suzukawa, J.

B204620 Lorena B. (Not for Publication)

V.

S.C.L.A. (Los Angeles County DCFS, et al)

The petition is denied.

Suzukawa, J.

We concur: Willhite, Acting P.J.

Manella, J.

DIVISION FIVE

B201472 People (Not for Publication)

V.

Ulisses S.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.

Kriegler, J.

DIVISION FIVE (continued)

B189262 Yvonne Hammond (Certified for Partial Publication)

v.

County of Los Angeles et al

The summary judgment is reversed. Upon remittitur issuance, the trial court is to issue a new order that provides as follows: as to the County, granting its summary adjudication motion on the third cause of action; as to the County, denying its summary adjudication motion on the first, second, fourth and fifth causes of action; as to Brennan, granting her summary adjudication motion on the fifth cause of action; and, as to Brennan, denying her summary adjudication motion on the second cause of action. Costs are awarded to plaintiff.

Mosk, J.

I concur: Turner, P.J.

I concur and dissent: Armstrong, J. (Opinion)

DIVISION SIX

B165901 Chacon (Not for Publication)

v.

Stephens (Chacon),
Albertini,

The order imposing sanctions against Albertini is reversed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.

Coffee, J.

DIVISION SIX (continued)

B194678 People
 v.
 Mam

Filed order granting petition for rehearing for the limited purpose of correcting the sentence.

B193938 Sullivan
 v.
 Valverde

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B192214 Hall and Kobayashi
 v.
 Foster

Filed order denying petition for rehearing.